

# EXHIBIT "1"

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|  |   |                              |
|--|---|------------------------------|
| In re:                                   | ) | Chapter 11                   |
|  | ) |                              |
| THE IT GROUP, INC., <i>et al</i> ,       | ) | Case No. 02-10118 (MFW)      |
|  | ) | Jointly Administered         |
| Debtors.                                 | ) |                              |
|  | ) |                              |
| IT LITIGATION TRUST,                     | ) |                              |
|  | ) |                              |
| Plaintiff,                               | ) | Civ. A. No. 04-CV-1268 (KAJ) |
|  | ) |                              |
| v.                                       | ) |                              |
|  | ) |                              |
| DANIEL A. D'ANIELLO, FRANCIS J. HARVEY,  | ) |                              |
| JAMES C. MCGILL, RICHARD W. POGUE,       | ) |                              |
| PHILLIP B. DOLAN, E. MARTIN GIBSON,      | ) |                              |
| ROBERT F. PUGLIESE, CHARLES W.           | ) |                              |
| SCHMIDT, JAMES DAVID WATKINS,            | ) |                              |
| ANTHONY J. DeLUCA, HARRY J. SOOSE,       | ) |                              |
| THE CARLYLE GROUP, THE CARLYLE           | ) |                              |
| GROUP L.L.C., CARLYLE PARTNERS II, L.P., | ) |                              |
| CARLYLE SBC PARTNERS II, L.P., CARLYLE   | ) |                              |
| INTERNATIONAL PARTNERS II L.P.,          | ) |                              |
| CARLYLE INTERNATIONAL PARTNERS III,      | ) |                              |
| C/S INTERNATIONAL PARTNERS, CARLYLE      | ) |                              |
| INVESTMENT GROUP, L.P., CARLYLE-IT       | ) |                              |
| INTERNATIONAL PARTNERS, LP,              | ) |                              |
| CARLYLE-IT INTERNATIONAL PARTNERS II,    | ) |                              |
| L.P., CARLYLE-IT PARTNERS L.P.,          | ) |                              |
| and T.C. GROUP, L.L.C.,                  | ) |                              |
|  | ) |                              |
| Defendants.                              | ) |                              |
|  | ) |                              |

**DECLARATION OF THOMAS P. GLASS**

I, Thomas P. Glass, declare as follows:

1. I am one of the attorneys representing Plaintiff The IT Litigation Trust in this matter.
2. Attached as Exhibit A to this declaration are copies of the relevant portions of the deposition Francis Harvey, conducted February 6, 2002, in *In The Matter of The IT Group, Inc. et al.* United States Bankruptcy Court, For the District of Delaware, Case No. 02-10118(MFW).

I declare under perjury that the foregoing is true and correct.

Executed on this 9<sup>th</sup> day of January, 2006, in Cincinnati, Ohio



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Thomas P. Glass

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## **EXHIBIT "A"**

The IT Group, Inc., et al.

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[1] chance to see this document and that the witness has  
 [2] clearly reviewed this material in preparation for the  
 [3] deposition we will reserve the right to question on this  
 [4] material once it is received.

[5] MR. SAUNDERS: You can reserve whatever  
 [6] right you have. Obviously, you know, to the extent that  
 [7] there are difficulties that arise for you by virtue of  
 [8] the timing of the situation generally or the fact that  
 [9] you asked for document production the same day you asked  
 [10] for depositions to start, we may have a different view.  
 [11] But I understand you are reserving whatever right you  
 [12] have.

BY MS. BENENATI:

[13] Q: Mr. Harvey, could you state and spell your full  
 [14] name for the record?

[15] A: Francis Harvey, F-r-a-n-c-i-s, H-a-r-v-e-y.

[16] Q: Please state your home address.

[17] A: It's 116 Twin Oaks Drive, Los Gatos, California,  
 [18] 95032.

[19] Q: What is your present position with IT Group?

[20] A: I'm the acting CEO.

[21] Q: How long have you held that position?

[22] A: Since November 12th.

[23] Q: What was your position prior to that time?

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[1] MR. SAUNDERS: Objection to form. You can  
 [2] answer.  
 [3] A: I don't have any formal affiliation with The  
 [4] Carlyle Group. I am on two other boards for Carlyle.  
 [5] Q: What is the relationship between Carlyle and  
 [6] The IT Group?

[7] A: Carlyle up until November controlled the board.  
 [8] They had approximately, they had a 20 plus percent  
 [9] ownership of the company.

[10] Q: That changed in November 2001?

[11] A: Right. My understanding is they no longer had  
 [12] control of the board after November 2001.

[13] Q: Did that coincide at all with your appointment  
 [14] as acting CEO?

[15] A: No. The election of the next board would be,  
 [16] would have been the May meeting, May 2002 board meeting.  
 [17] So until May 2002 they had a majority of the board of  
 [18] directors appointed.

[19] Q: I'd like to turn to documents that are attached  
 [20] to a document that was filed under seal in the bankruptcy  
 [21] court. I believe the date is not on here.

[22] MR. SCHLERF: The date it was filed under  
 [23] seal? I think it was January 23rd.

[24] MS. BENENATI: Thank you. I'd like to mark

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[1] A: I was on the board of directors — relative to  
 [2] The IT Group?  
 [3] Q: Yes.  
 [4] A: I was on the board of directors.  
 [5] Q: Were you otherwise employed other than your  
 [6] position on the board?  
 [7] A: Yes. I'm on a number of boards.  
 [8] Q: Did you have any other connection with The IT  
 [9] Group prior to November 12 besides sitting on the board  
 [10] of directors?

[11] A: Prior to November 12?

[12] Q: I believe that's the date you —

[13] A: No. Just I was on the board of directors  
 [14] starting about June of '99.

[15] Q: So you never held any other management position  
 [16] in the company prior?

[17] A: No management position, no.

[18] MR. SAUNDERS: Make sure you let the  
 [19] questioner completely finish her question before you  
 [20] answer.

[21] Q: That's November 12 of 2001?

[22] A: Correct.

[23] Q: What is your affiliation with The Carlyle  
 [24] Group?

[1] it as Exhibit 2  
 [2] (Harvey Deposition Exhibit No. 2 marked for  
 [3] identification.)

BY MS. BENENATI:

[4] Q: Would you please turn to the fifth page of the  
 [5] document, page entitled "IT Group Consolidated Income  
 [6] Statement"?

[7] A: Page 6? Is that right?

[8] Q: It's page 6 of the fax I believe, yes.

[9] Are you familiar with this document?

[10] A: Yes.

[11] Q: Who prepared this document?

[12] A: The CFO's — the financial organization of IT  
 [13] Group.

[14] Q: That would be under the direction of Mr. Soose?

[15] A: Yes.

[16] Q: Is anyone else involved in the preparation of  
 [17] the statement — let me finish my question, please.

[18] Was anyone else involved in the preparation  
 [19] of the statement besides Mr. Soose's group?

[20] A: Yes.

[21] Q: Who would that be?

[22] A: It would be various business line organizations  
 [23] that contribute, that are part of the IT Group.